

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ACQIS LLC**

**Plaintiff,**

**vs.**

**INTERNATIONAL BUSINESS  
MACHINES CORP.**

**Defendant.**

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**CASE NO. 6:09 CV 148  
PATENT CASE**

**ORDER**

As stated at the post-trial hearing on June 6, 2011:

<b>Docket No. 702: IBM's Motion to Strike ACQIS's Motion for Exceptional Case</b>	<b>DENIED</b>
<b>Docket No. 680: ACQIS's Motion for Exceptional Case</b>	<b>DENIED</b>
<b>Docket No. 674: ACQIS's Motion for Supplement and Accounting</b>	<b>GRANTED-in-Part. See below.</b>
<b>Docket No. 675: ACQIS's Motion for Prejudgment Interest</b>	<b>GRANTED-in-Part. ACQIS is entitled to prejudgment interest at the Prime Rate compounded quarterly.</b>
<b>Docket No. 670: IBM's Motion for Costs</b>	<b>DENIED</b>
<b>Docket No. 679: IBM's Renewed JMOL of non-infringement</b>	<b>DENIED</b>

Docket No. 674, ACQIS's Motion for Supplement and Accounting, is **Granted-in-Part**. ACQIS may supplement its damages with IBM's infringing sales from October 1, 2010 through judgment on March 1, 2011. This covers the period for which IBM failed to supplement its discovery related to damages. The parties shall meet and confer regarding this supplemental amount

and provide the amount to the Court by July 5, 2011. The parties shall use a 1% royalty rate, and IBM shall provide ACQIS with the documents necessary to calculate the additional damages due.

Finally, both parties represented at the hearing that they would be willing to mediate. Though the Court resolved several pending issues at the post-trial hearing, it took many substantive issues under advisement. The Court encourages the parties to put forth their best efforts to resolve this case with a business solution. Accordingly, the Court **ORDERS** the parties to mediate by July 1, 2011.

**So ORDERED and SIGNED this 8th day of June, 2011.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**